

## **3 FAM 1560**

# **PROCESSING MIXED CASE COMPLAINTS**

*(CT:PER-729; 05-12-2014)*  
*(Office of Origin: S/OCR)*

## **3 FAM 1561 DEFINITIONS**

*(CT:PER-729; 05-12-2014)*  
*(State Only)*  
*(Civil Service Employees Only)*

- a. A “mixed case complaint” alleges discrimination on a statutorily protected basis (i.e., race, color, national origin, sex, religion, age, disability, genetic information, or reprisal) related to or stemming from an action that can be appealed to the Merit Systems Protection Board (MSPB) and is processed through the Department’s administrative EEO complaints process.
- b. A “mixed case appeal” is an appeal filed directly with the MSPB that alleges that an appealable agency action (i.e., suspension over 14 days, termination, etc.) was effected, in whole or in part, because of discrimination on the basis of race, color, religion, sex, national origin, disability, age, genetic information, or reprisal.

## **3 FAM 1562 AUTHORITY**

*(CT:PER-729; 05-12-2014)*  
*(State Only)*  
*(Civil Service Employees Only)*

- a. The Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e-16).
- b. The Age Discrimination in Employment Act, as amended (ADEA) (29 U.S.C. 206(d)).
- c. The Rehabilitation Act of 1973, as amended (Rehabilitation Act) (29 U.S.C. 791 et seq.).
- d. The Equal Pay Act of 1963, as amended (29 U.S.C. 206(d)).
- e. Title II of the Genetic Information Nondiscrimination Act of 2008, as amended (42 U.S.C. 2000ff et. seq.).
- f. The Americans with Disabilities Act Amendments Act, as amended (42 U.S.C. 12102).
- g. The Equal Employment Opportunity Commission (EEOC) regulations at 29 CFR

1614.302.

- h.* Merit Systems Protection Board (MSPB) regulations at 5 CFR 1201.151.

### **3 FAM 1563 APPLICABILITY**

*(CT:PER-729; 05-12-2014)*

*(State Only)*

*(Civil Service Employees Only)*

These regulations apply to all U.S. citizen Civil Service employees of the Department of State who have rights of appeal to the MSPB.

### **3 FAM 1564 CHOICE OF FORUM**

*(CT:PER-729; 05-12-2014)*

*(State Only)*

*(Civil Service Employees Only)*

An individual may file a mixed case complaint with the Office of Civil Rights or a mixed case appeal of the appealable agency action directly to the MSPB, but not both. In order for a mixed case *complaint* to be processed through the EEO administrative process, all regulatory procedural requirements must be met in accordance with 29 C.F.R. 1614.

### **3 FAM 1565 THROUGH 1569 UNASSIGNED**